

# The Atkin Firm, LLC

Attorney at Law

By: John C. Atkin, Esq.\*

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\* Member of NJ, NY, and PA Bar

55 Madison Avenue, Suite 400  
Morristown, NJ 07960

400 Rella Boulevard, Suite 165  
Suffern, NY 10901

Tel: (973) 314-8010

Fax: (833) 693-1201

Email: JAtkin@atkinfirm.com

April 22, 2024

## **VIA ECF**

The Honorable Marcia M. Henry, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Strike 3 Holdings, LLC v. John Doe subscriber assigned IP address  
96.232.85.233  
Dkt. No. 1:23-cv-02996-NGG-MMH**

Judge Henry,

As Your Honor is aware, I represent Plaintiff Strike 3 Holdings, LLC (“Plaintiff”) in the above-referenced matter. I write to provide a brief status report to the Court regarding this matter.

By way of background, on February 1, 2024, the Court granted Plaintiff’s motion for leave to file its amended pleadings (and other associated documents) as “*ex parte*” documents and to maintain a John Doe placeholder on a provisional basis, and ordered that the Defendant must show cause by February 29, 2024 why those documents should not be filed on the public docket and why the John Doe placeholder should not be replaced with Defendant’s real name (“OSC”). On March 15, 2024, the Court granted Defendant’s motion to extend the deadline to file an Answer to April 10, 2024, and to extend the deadline to respond to the Court’s OSC to April 15, 2024.

The parties have amicably resolved this matter—without any admission of liability by Defendant—but Defendant has indicated that he does not intend to provide a response to the OSC due to expense. Defendant has indicated that Plaintiff may notify the Court of the resolution of this matter so that the Court may enter an Order that addresses the OSC.

Although Plaintiff takes “no position” on whether the Court should enter an Order allowing documents filed as “*ex parte*” documents to remain so filed, *see generally* D.E. 12 at 2 (noting that some courts have expressed concern that Plaintiff’s assent to sealing is itself a cause for concern), Plaintiff respectfully notes that in similar circumstances this Court and others have permitted that relief to continue. *See, e.g., Strike 3 Holdings, LLC v. Doe*, No. 23-455 (E.D.N.Y. Dec. 12, 2023) (Henry, J.) (Text Order); *Strike 3 Holdings, LLC v. Doe*, No. 22-7885, D.E. 22 (E.D.N.Y. Nov. 22, 2023) (Marutollo, J.); *Strike 3 Holdings, LLC v. Doe*, No. 22-7881 (E.D.N.Y. June 2, 2023)

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(Bloom, J.) (Text Order); *Strike 3 Holdings, LLC v. Doe*, No. 22-482 (E.D.N.Y. Dec. 15, 2022) (Mann, J.) (Text Order); *Ipsos MMA, Inc. v. Doe*, No. 21-8929, 2022 WL 451510 (S.D.N.Y. Jan. 25, 2022).

Plaintiff intends to file a notice of dismissal of its claim, with prejudice, once the Court issues an Order addressing the OSC.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ *John C. Atkin*

John C. Atkin, Esq.

cc: Leslie Farber, Esq. (via CM/ECF)